

REMARKS

Claim 2 is canceled herein. Claims 1, 3-8 and 10-22 now remain pending in the application.

The Applicant respectfully requests that the Examiner reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Claims 1-8 and 10-22 over Hamada in view of Norr

In the Office Action, claims 1-8 and 10-22 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,754,347 to Hamada ("Hamada") in view of U.S. Patent No. 7,085,377 to Norr ("Norr"). The Applicant respectfully traverses the rejection.

Claim 2 is canceled herein, making the rejection of claim 2 now moot.

Claims 1, 3-8 and 10-22 recite, *inter alia*, a **partially scrambled data payload** that is comprised of a **scrambled central portion** surrounded on **both sides** by an unscrambled portion.

The Examiner argues in the Advisory Action that Hamada allegedly discloses that the PID is followed by a scrambled control portion of two bits, as disclosed at col. 7, lines 58-59. From this alleged disclosure, the Examiner argues that Hamada allegedly discloses limits on how much of a payload is scrambled.

Hamada at column 7, lines 54-65 teaches:

Since information contained in the packet header is defined in the MPEG2 standard, only data required in the present invention will be briefly described. A PID is placed in 13 bits from the 12-th bit to 24-th bit. The PID is used to identify the current TS packet. The PID is followed by a scramble control portion of two bits. The scramble control portion represents whether or not the payload has been scrambled. In addition, the scramble control portion represents the type of the payload. As described above, with reference to the scramble control portion, the descrambler 12 determines whether or not (the payload of) the current TS packet has been scrambled.

Hamada makes a clear distinction between a payload, as claimed, being to the farthest right of Figure 5 and various types of control bits to the left of the data payload. Hamada's PID and scramble control bits are not a data payload, as claimed. The Examiner points to Hamada's PID that is followed by a scramble control portion of two bits. Hamada explains that the "scramble control portion represents whether or not the payload has been scrambled." In other words, Hamada discloses the payload is either black or white, i.e., scrambled or not scrambled, under the control of the scramble control portion. The control bits perform control functions and are not scrambled themselves, besides not being part of the payload. Hamada fails to teach anything in between the black and white, scrambling or not scrambling, of the payload. Hamada fails to teach limits on how much of the payload is scrambled, much less disclose, teach or suggest a partially scrambled data payload that is comprised of a scrambled central portion surrounded on both sides by an unscrambled portion, as recited by claims 1, 3-8 and 10-22.

The Examiner further alleges that descrambler 12 determines whether or not the portion of the payload is scrambled, with the descrambler descrambles the scrambled portion.

Hamada fails to support this allegation. Hamada specifically teaches that "descrambler 12 descrambles a scrambled TS received from the switching portion 21 and supplies the descrambled TS to the decode portion 13. (see col. 5, lines 36-38) Hamada fails to teach anything other than conventional descrambling, i.e., the descrambler descrambles whatever data it is given. Hamada fails to teach the descrambler has any influence over that is scrambled, much less disclose, teach or suggest a partially scrambled data payload that is comprised of a scrambled central portion surrounded on both sides by an unscrambled portion, as recited by claims 1, 3-8 and 10-22.

Norr appears to disclose a designated number M-K packets of encoded audio are encrypted using an encryption key, while the remaining K packets remain unencrypted (see Norr, col. 4, lines 41-43). The K unencrypted

packets are placed in two of four bitstreams, while the remaining M-K packets are placed in the remaining two bitstreams (see Norr, col. 4, lines 43-46).

Thus, Norr discloses that within any stream there is either scrambled or descrambled data packets, the **SAME** all or nothing scrambling as used by Hamada. Norr fails to disclose, teach or suggest a **partially scrambled data payload** that is comprised of a **scrambled central portion** surrounded on **both sides** by an unscrambled portion, as recited by claims 1, 3-8 and 10-22.

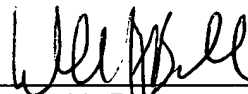
Thus, Hamada and Norr, either alone or in combination, fails to disclose, teach or suggest a **partially scrambled data payload** that is comprised of a **scrambled central portion** surrounded on **both sides** by an unscrambled portion, as recited by claims 1, 3-8 and 10-22.

For these and other reasons, claims 1, 3-8 and 10-22 are patentable over the cited art. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No.: 36,457
Tel. (202) 261-1020
Fax. (202) 887-0336

MANELLI DENISON & SELTER PLLC
2000 M Street, N.W. 7th Floor
Washington D.C. 20036-3307
WHB/df